UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

MAY 20 2009

CERTIFIED MAIL 7008 2810 0000 4316 9393
RETURN RECEIPT REQUESTED

Mr. Don Cope
President and Chief Executive Officer
Dalton Utilities
1200 V.D. Parrott Jr. Parkway
Dalton, Georgia 30721

Re: Information Request - Section 308 of the Clean Water Act
Dalton Utilities Land Application System

Dear Mr. Cope:

Pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318, the U.S. Environmental Protection Agency (EPA) hereby requests that Dalton Utilities (DU) provide the information set forth in Enclosure A regarding its land application system. DU is required to provide the information responsive to this information request within thirty (30) days of receipt of this letter, or within the time specified in Enclosure A. The response should be directed to:

Mr. Michael Hom, Environmental Engineer
U.S. Environmental Protection Agency
Clean Water Enforcement Branch
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

DU's response to this information request should specifically reference the particular section and number of the request and should be organized for the purpose of clarity. In addition, all information submitted must be accompanied by the following certification signed by a responsible facility official in accordance with 40 C.F. R. § 122.22:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to comply with this information request may result in enforcement proceedings under Section 309 of the CWA, 33 U.S.C. § 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for the falsification of any response to the requested information.

DU shall preserve until further notice all records (either written or electronic) which exist at the time of receipt of this letter that relate to any of the matters set forth in this letter. The term "records" shall be interpreted in the broadest sense to include information of every sort. The response to this information request shall include assurance that these record protection provisions were put in place, as required. No such records shall be disposed of until written authorization is received from the Chief of the Clean Water Enforcement Branch at the U.S. EPA, Region 4.

If you believe that any of the requested information constitutes confidential business information, you may assert a confidentiality claim with respect to such information except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure B.

Also enclosed is a document entitled *U.S. EPA Small Business Resources-Information Sheet* which may assist you in understanding the compliance assistance resources and tools available to the facility. However, any decision to seek compliance assistance at this time does not relieve DU of its obligations to EPA, does not create any new rights or defenses, and will not affect EPA's decision to pursue enforcement action.

If you have questions regarding this notice and information request, please feel free to contact Mr. Hom at (404) 562-9748 or hom.michael@epa.gov.

Sincerely,

Douglas F. Mundrick, P.E. Chief
Clean Water Enforcement Branch
Water Protection Division

Enclosures

cc: Dr. Carol A. Couch, Environmental Protection Division
Dr. Bert Langley, Environmental Protection Division Mountain District

Enclosure A

For purposes of this Clean Water Act Section 308 Information Request, the term "perfluorinated compounds (PFCs)" shall mean fluorinated or perfluorinated chemicals including, but not limited to, fluoropolymers or fluoropolymer dispersions and any of the following compounds with perfluorochain lengths between 4 and 16 carbons: carboxylates (such as perfluorooctanic acid (PFOA)), amines, ethers, iodides, phosphonic/phosphinic compounds, alcohols, esters, phosphates, sulfonates (such as perfluorooctyl sulfonate (PFOS)), siloxanes, thioethers, urethanes, and acrylates.

A. Pertaining to the Dalton Utilities (DU) operations in the treatment and disposal of its wastewater

1. Provide a copy of all monitoring data and reports which have been submitted to the State of Georgia in accordance with State of Georgia Land Application System (LAS) Permit No. GA02-056 from March 26, 2007 to present.

2. Provide copies of any studies, analytical data or monitoring results that DU has acquired or conducted to determine the presence of PFCs or fluoride in, including but not limited to, the LAS wastewater influent, wastewater effluent, additional DU's wastewater treatment plant influent and effluent; locations within the collection system, groundwater, surface and subsurface soils, and air at and near the LAS, the Conasauga River and its tributaries, DU's drinking water source, DU's finish drinking water, and industrial users that discharge into DU's collection system.

3. Within 60 days of receipt of this Clean Water Act Section 308 Information Request, collect, analyze, and submit the chain of custody and analytical results, including all quality assurance performance results, for the analytes listed in Enclosure C. A list of potential commercial laboratories is provided for your convenience. The samples for the analytes listed in Enclosure C are to be collected at the same locations as sampling is required in State of Georgia LAS Permit No. GA02-056. The locations are specifically identified below:

    a. In accordance with Part I. Section B.5. of State of Georgia LAS Permit No. GA02-056, a grab sample is to be collected at the individual discharges from pump stations B, C, AC, 5 different sprayheads, from the "B" field, "C" field and "AC" field;

    b. In accordance with Part I. Section B.6. of State of Georgia LAS Permit No. GA02-056, a grab sample is to be collected in the Conasauga River upstream of Holly Creek and downstream of the LAS site at Tilton Bridge and in the Holley Creek upstream of the LAS site at Fox Bridge Road and downstream at the confluence with the Conasauga River;

c. In accordance with Part I. Section B.7. of State of Georgia LAS Permit No. GA02-056, a representative sample from each major soil series within the sprayfield area;

d. In accordance with Part I. Section B.8. of State of Georgia LAS Permit No. GA02-056, a grab sample of the groundwater at each approved groundwater monitoring point of the land application system;

e. A grab sample of the sewage sludge, as that term is defined at 40 C.F.R. § 503.9(w), from the Riverbend, Loopers Bend, and Abutment Road Water Pollution Control Plants in accordance with Part I. Section B.1. of State of Georgia LAS Permit No. GA02-056;

f. A grab sample of the final compost product prior to disposal in accordance with Part I. Section A.3. of State of Georgia LAS Permit No. GA02-056.

4. For the period of January 2004 to the present, provide a copy of all inspection reports prepared by the Georgia Environmental Protection Division (EPD) pertaining to the operations of DU's wastewater treatment plant and pretreatment program, as well as any correspondence between DU and EPD concerning such reports.

5. Provide a copy of all noncompliance notifications sent to EPD that were made by DU between January 2004 and the present as required by Part II. Section A.2. of State of Georgia LAS Permit No. GA02-056.

6. For the period of January 2004 to the present, provide a copy of all documents, including but not limited to notices of violation, consent orders, fines, etc., which reflect enforcement actions taken by EPD against DU.

B. Pertaining to the DU industrial users (IU) that discharge into the DU sewer collection system:

1. List the IU that discharge wastewater to DU's wastewater treatment plant and include the following information: facility name, address, industrial processes, principal products, raw materials, daily process flow/volume of process wastewater and whether it is continuous or intermittent discharge, daily non-process flow/volume of process wastewater and whether it is continuous or intermittent discharge, IU permit number, primary Standard Industrial Classification (SIC) code with description, and all other applicable SIC codes with description.

2. Provide a brief narrative description of the processes at each IU as they relate to the discharge of wastewater to the DU wastewater treatment plant, including but not limited to their industrial process operations and wastewater treatment processes.

3. Provide a copy of all Sewer Use Ordinances that were in effect during the period from January 2004 through the present.

4. Provide a copy of DU's basis, process for developing, and presently used Local Limits to control industrial discharges.

5. Provide a copy of any official correspondence with EPD from January 2004 to the present as it pertains to the status or compliance of the IUs with DU's pretreatment program, including any quarterly and annual reports.

6. For the period of January 2004 to the present, provide a copy of all documents, including but not limited to notices of violation, consent orders, fines, etc., which reflect enforcement actions taken by DU against any of the IUs.

7. Provide any information pertaining to possible spills or routine discharges at IU sites that may have resulted in PFCs being discharged to the DU wastewater treatment plant.

8. What actions, if any, has DU taken to reduce the entry of PFCs into the collection system?

Enclosure B

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS (40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The EPA regulation relating to business confidentiality claims are found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, EPA may make the information available to the public without any further notice to you.

40 C.F.R. §2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. The notice should state if the business desires confidential treatment for only until a certain date or until the occurrence of a certain event.

Enclosure C

Compound	Acronym
Perfluorobutanoic acid	C4
Perfluoropentanoic acid	C5
Perfluorohexanoic acid	C6
Perfluoroheptanoic acid	C7
Perfluorooctanoic acid	C8
Perfluorononanoic acid	C9
Perfluorodecanoic acid	C10
Perfluoroundecanoic acid	C11
Perfluorododecanoic acid	C12
Perfluorotridecanoic acid	C13
Perfluorotetradecanoic acid	C14
Perfluorobutane sulfonate	PFBS
Perfluorohexane sulfonate	PFHxS
Perfluoroheptane sulfonate	PFHpS
Perfluorooctane sulfonate	PFOS
Perfluorodecane sulfonate	PFDS
6:2 Fluorotelomer carboxylic acid	6-2FTUCA
8:2 Fluorotelomer carboxylic acid	8-2FTUCA
10:2 Fluorotelomer carboxylic acid	10-2FTUCA
6:2 Fluorotelomer alcohol	6:2 FTOH
7:2 sFluorotelomer alcohol	7:2 sFTOH
8:2 Fluorotelomer alcohol	8:2 FTOH
10:2 Fluorotelomer alcohol	10:2 FTOH
Perfluoroctane sulfonamide	PFOSA
2(N-ethylperfluorooctanesulfonamido) acetic acid	EtFOSAA
2(N-methylperfluorooctanesulfonamido) acetic acid	MeFOSAA
N-methylperfluorooctanesulfonamidoethanol	N-MeFOSE
N-ethylperfluorooctanesulfonamidoethanol	N-EtFOSE
Polyfluoroalkyl phosphate surfactants	PAPS

Commercial Laboratories:

Axys Analytical Services
2045 Mills Road
Sidney BC
V8L 5X2
Tel.: +1-250-655-5800

MPI Research
3058 Research Drive
State College, PA 16801
T: 814-272-1039

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4955 Yarrow Street
Arvada, CO 80002
T: 303-736-0100